

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House  
(317) 232-9855

**FISCAL IMPACT STATEMENT**

**LS 7995**

**BILL NUMBER:** SB 376

**DATE PREPARED:** May 2, 2001

**BILL AMENDED:** Apr 29, 2001

**SUBJECT:** Drug-Free Schools Policy Exception; Deadly Weapons on School Property.

**FISCAL ANALYST:** David Hoppmann

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**FUNDS AFFECTED:**      **GENERAL**  
                                 **DEDICATED**  
                                 **FEDERAL**

**IMPACT:** Local

**Summary of Legislation:** (CCR Amended) *Self-Administered Medication*- This bill provides that a school corporation's discipline policy must allow a student with an acute or chronic disease or medical condition to possess and self-administer medication that must be administered on an emergency basis while the student is on school grounds or off school grounds at a school activity, function, or event if the student's parent files an annual authorization that includes a written statement from the student's physician for the student to self-administer the medication.

It prohibits a school from sending medication home with a student. It specifies individuals to whom medication may be released. It allows a school to send medication home with a high school student if the student's parent has given written permission.

It provides that a school or school board is not civilly liable for damages as a result of self-administration in compliance with the law except for gross negligence or willful and wanton misconduct.

*Deadly Weapons on School Property*- It requires a school superintendent or designee to immediately notify law enforcement authorities if a student brings a firearm or bomb onto school property or is in possession of a firearm or bomb on school property. It provides that the superintendent or superintendent's designee may give similar notice if a deadly weapon other than a firearm or bomb is involved. It requires a law enforcement agency that receives notice from a superintendent to investigate and take appropriate action. It removes a requirement that the superintendent notify the county prosecutor in similar situations.

**Effective Date:** (CCR Amended) July 1, 2001.

**Explanation of State Expenditures:**

**Explanation of State Revenues:**

**Explanation of Local Expenditures:** (Revised) *Self-Administered Medication*- The bill provides that a school or school board is not civilly liable for damages as a result of self-administration in compliance with the law except for gross negligence or willful and wanton misconduct. Consequently, local school corporations may face less exposure to civil lawsuits in certain situations.

*Deadly Weapons on School Property*- School corporations would experience no additional administrative expenses as a result of this provision.

Under current Indiana law, a superintendent must notify the prosecuting attorney (of the county where the school is located) if a student is expelled for bringing a firearm onto school property or for possessing a firearm on school property. This bill would require that the superintendent immediately notify the appropriate law enforcement agency if a student brings a firearm or bomb onto school property or possesses such a weapon on school property. In addition, this bill would require that a law enforcement agency receiving notification begin an investigation and take appropriate action.

Currently, superintendents typically contact local law enforcement agencies when a student displays the above behavior. After notification, law enforcement agencies usually begin appropriate investigations. Since these agencies already respond to and investigate such cases, they are not likely to incur any additional administrative expenses.

*Local Jurisdictions*- Currently, some small local jurisdictions are served by prosecuting attorneys' offices that hire investigators who might research cases concerning students bringing a deadly weapon to school. These small jurisdictions could experience a decrease in administrative time and cost in accordance with this bill.

The specific effects would vary by jurisdiction and would depend upon local action.

*Expulsion for Deadly Weapons/Firearms Background*- The following table illustrates the number of Indiana public school expulsions for the 1998-1999 school year.

<b>1998-1999 Indiana Public School Expulsions for Deadly Weapons and Firearms by Grade</b>														
	<b>KG</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>Total</b>
<b>Deadly Weapons (other than firearms)</b>	1	3	4	11	8	17	44	63	58	78	50	41	35	413
<b>Handguns</b>					1	4	2	4	11	18	12	6	12	70
<b>Rifles or Shotguns</b>							1		5	1		5	2	14
<b>Other Firearms</b>				1			1	2	3	3	5	1	2	18
<b>Totals</b>	1	3	4	12	9	21	48	69	77	100	67	53	51	515

**Explanation of Local Revenues:**

**State Agencies Affected:**

**Local Agencies Affected:** School Corporations, County Prosecuting Attorneys' Offices, and Law Enforcement Agencies.

**Information Sources:** J.D. Lux, Attorney General's Office, (317) 233-6312; Steve Johnson, Prosecuting Attorney's Council, (317) 232-1836; Kevin McDowell, General Council, Department of Education; DOE ORACLE Data Tables.